

From: Powell-Dickson, Antoinette

Sent: Thursday, November 14, 2019 09:01 PM

To: Kavita Lesser

CC: Mia, Marcia; Scinta, Robert; Cox, John; Battle, Jernell; Newman, Maya; Richard Ito

Subject: RE: EPA-HQ-2019-008232

Below is how EPA will be responding to the above referenced FOIA request.

Task the regions 2-10 (Region 1 has confirmed that they do not have responsive records) to produce the following responsive records:

All hard copy of all OOOOa reports filed with the region after November 21, 2017 until November 15, 2019 and have not been uploaded to CEDRI:

- semiannual reports required by 40 C.F.R. § 60.5422(a)
- annual reports, required by 40 C.F.R. § 60.5420a(b)
- annual reports of excess emissions for sweetening Units, as required by 40 C.F.R. § 60.5423a(b)

Copies of all internal correspondence between EPA and outside parties and all correspondence internal to EPA containing reference to the new source performance standards OOOOa and the search terms provided. The timeframe will be: November 21, 2017 until November 15, 2019.

The search terms are:

("40 C.F.R. §60.5420a(b) (9) (i)" OR "40 C.F.R. §60.5422a(a)" OR "40 C.F.R. §60.5422a(b)" OR "40 C.F.R. §60.5420a(b)" OR "40 C.F.R. §60.5423a(b)

"OOOOa" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

"OOOOa" and w/20 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

If the w/20 search is bringing back mostly nonresponsive documents, CA AG has indicated they are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

"OOOOa" AND ("deadlines" OR "deadline" OR "delay" OR "delays" OR "delayed" OR "delaying" OR "extend" OR "extends" OR "extending" OR "extension" OR "extensions" OR "postpone" OR "postpones" OR "postponed" OR "postponing" OR "postponement" OR "variance" OR "variances")

"OOOOa" and w/10 ("enforce," including any inflection thereof (e.g., "enforces,"

"enforcing," or enforcement")

"0000a" and w/20 ("enforce," including any inflection thereof (e.g., "enforces," "enforcing," or enforcement"))

If the w/20 search is bringing back mostly nonresponsive documents, we are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

Task the Office of Air and Radiation office (OAR) and the Administrator's office (AO) to produce the following responsive records:

Copies of all internal correspondence between EPA and outside parties and all correspondence internal to EPA containing reference to the new source performance standards 0000a and the search terms provided. The timeframe will be: November 21, 2017 until November 15, 2019.

The search terms are:

("40 C.F.R. §60.5420a(b)(9)(i)" OR "40 C.F.R. §60.5422a(a)" OR "40 C.F.R. §60.5422a(b)" OR "40 C.F.R. §60.5420a(b)" OR "40 C.F.R. §60.5423a(b)"))

"0000a" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

"0000a" and w/20 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

If the w/20 search is bringing back mostly nonresponsive documents, CA AG has indicated they are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

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"0000a" and w/20 ("enforce," including any inflection thereof (e.g., "enforces," "enforcing," or enforcement"))

If the w/20 search is bringing back mostly nonresponsive documents, we are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

The Office of Enforcement and Compliance Assurance (OECA) will produce the following responsive records:

Copies of all internal correspondence between EPA and outside parties and all correspondence internal to EPA containing reference to the new source performance standards 0000a and the search terms provided. The timeframe will be: November 21, 2017 until November 15, 2019. OECA will produce responsive correspondence on a rolling basis.

The search terms are:

("40 C.F.R. §60.5420a(b)(9)(i)" OR "40 C.F.R. §60.5422a(b)" OR "40 C.F.R. §60.5420a(b)" OR "40 C.F.R. §60.5423a(b)

"0000a" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

"0000a" and w/20 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

If the w/20 search is bringing back mostly nonresponsive documents, CA AG has indicated they are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

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"0000a" and w/20 ("enforce," including any inflection thereof (e.g., "enforces," "enforcing," or enforcement")

If the w/20 search is bringing back mostly nonresponsive documents, we are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

From: Kavita Lesser <Kavita.Lesser@doj.ca.gov>

Sent: Thursday, November 14, 2019 1:39 PM

To: Powell-Dickson, Antoinette <Powell-Dickson.Antoinette@epa.gov>

Cc: Mia, Marcia <Mia.Marcia@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Cox, John <cox.john@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>; Richard Ito <Richard.Ito@doj.ca.gov>

Subject: Re: EPA-HQ-2019-008232

Dear Ms. Powell-Dickson,

Thank you for speaking with us last week about our FOIA Request No. EPA-HQ-2019-008232. As we discussed, we are proposing the following changes to EPA's proposed search terms, as underlined below:

· "40 C.F.R. §60.5420a(b) (9) (i)" OR "40 C.F.R. §60.5422a(b)" OR "40 C.F.R. §60.5420a(b)" OR "40 C.F.R. §60.5422a(a)" OR "40 C.F.R. §60.5423a(b)"

· "0000a" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

· "0000a" and w/20 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

o If the w/20 search is bringing back mostly nonresponsive documents, we are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

· "0000a" AND ("deadlines" OR "deadline" OR "delay" OR "delays" OR "delayed" OR "delaying" OR "extend" OR "extends" OR "extending" OR "extension" OR "extensions" OR "postpone" OR "postpones" OR "postponed" OR "postponing" OR "postponement" OR "variance" OR "variances")

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· "0000a" and w/20 ("enforce," including any inflection thereof (e.g., "enforces," "enforcing," or enforcement"))

o If the w/20 search is bringing back mostly nonresponsive documents, we are amenable to receiving a report of those results and, after having reviewed that report, proceeding with only the w/10 search.

We also agree to modify our request to remove the following term from Request Nos. 2 and 3:

· Due

Also as we discussed, with respect to the entire Request, we are asking that "EPA" be defined as the Office of the Administrator, Office of Air and Radiation, Office of Enforcement and Compliance Assurance, and Regions 3, 4, 5, 6, 7, 8, 9, and 10.

Finally, please find the production specs referenced by Richard Ito attached above.

Thank you for your assistance and cooperation in this matter and we look forward to hearing from you.

Best,

Kavita

Kavita P. Lesser

Deputy Attorney General

Department of Justice

Office of the Attorney General - Environment Section

300 S. Spring Street, Suite 1702

Los Angeles, CA 90013

Ph: 213.269.6605

From: Powell-Dickson, Antoinette <Powell-Dickson.Antoinette@epa.gov>

Sent: Wednesday, October 16, 2019 11:44 AM

To: Kavita Lesser

Cc: Mia, Marcia; Scinta, Robert; Cox, John; Battle, Jernell; Newman, Maya

Subject: RE: EPA-HQ-2019-008232

Please see attached letter.

From: Powell-Dickson, Antoinette

Sent: Monday, September 30, 2019 7:54 AM

To: kavita.lesser@doj.ca.gov

Cc: Mia, Marcia <Mia.Marcia@epa.gov>; Scinta, Robert <scinta.robert@epa.gov>; Cox, John <Cox.John@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>

Subject: EPA-HQ-2019-008232

During the processing of your prior FOIA request in November 2017, we found that our initial collection of correspondence was overbroad and largely non-responsive. Approximately 40,000 records were collected during the search and 80% of the records were non-responsive and unrelated to Subpart 0000a's or new source performance standards for the oil and gas sector. In an effort to respond to your current FOIA request with responsive records as quickly as possible, we would like to propose the following search terms for your second request - Copies of all internal correspondence between EPA and outside parties containing reference to the new source performance standards for the oil and gas sector. We would like to propose narrowing the search terms to the following.

("40 C.F.R. §60.5420a(b) (9) (i)" OR "40 C.F.R. §60.5422a(b)" OR "40 C.F.R. §60.5420a(b) "

"0000a" and w/10 ("comply" OR "complies" OR "complying" OR "compliant" OR "compliance")

"0000a" AND ("deadlines" OR "delay" OR "delays" OR "delayed" OR "delaying" OR "extend" OR "extends" OR "extending" OR "extension" OR "extensions" OR "postpone" OR "postpones" OR "postponed" OR "postponing" OR "postponement" OR "variance" OR "variances")

For records responsive to your first request - Copies of all reports submitted to EPA pursuant to Subpart 0000a's reporting requirements. The Performance tests and reports pursuant to 0000a are now publicly available. We are directing you to go to the Webfire site to obtain the reports. There are currently over 800 reports in the system.

If you would like to discuss this further, please feel free to contact me.

Antoinette Powell Dickson, Esq.

FOIA Coordinator/Records Manager

U.S. Environmental Protection Agency | Office of Site Remediation Enforcement | 1200 Pennsylvania Ave, N.W. | WJC South Mailcode: 2272A | Washington, D.C. 20460 | phone: (202) 564-5136 | email: powell-dickson.antoINETte@epa.gov

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